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IPW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Bauer, et al.

Serial No. 10/686,007

Filed: October 15, 2003

For: MOTORCYCLE REAR FRAME
MOUNTING SYSTEM

To: Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

) Art Unit: 3611
)
)
Our Ref. 49595.10.1
(formerly 10739.51.33.2)
)
)
Examiner: Boehler, Anne Marie M.
)

)
I hereby certify that this correspondence is being:
[X] deposited with the United States Postal Service as first-class mail in an envelope addressed to: Commissioner for Patents, Alexandria, VA 22313-1450
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on this 14th day of Jun 2004
By 
Theresa Russek

RESPONSE

The present communication responds to the Office Action mailed June 4, 2004 in the above-identified application.

In the present Office Action, the Examiner argues that the application contains patentably distinct inventions and requires restriction between these inventions. The Office Action identifies the following two inventions as being patentably distinct: (I) claims 1-22; and (II) claims 23-28. The Examiner states that "inventions I and II are related as process of making and product made". Applicants, through their attorney, hereby elect claims 1-22, which the Examiner has identified as "invention I", with traverse.

Applicants traverse this restriction requirement on the grounds that no serious burden on the Examiner exists. If the search and examination of an entire application can be made without serious burden, then it must be examined on the merits even though it includes claims directed to distinct or independent inventions. M.P.E.P. §803. The subject matter that has been identified by the Examiner as representing two inventions is believed to be so related that a thorough

search should encompass the subject matter of all claims of the present application. Thus, to avoid duplicative examination by the Patent Office and to prevent unnecessary expense and delay to the Applicants, it is respectfully requested that examination be performed on the merits of all claims, rather than just those of invention I.

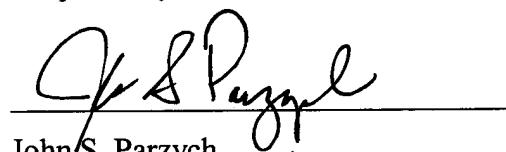
Furthermore, Applicants submit that if a determination of an allowable generic claim is issued, for instance the determination of allowability of the claims 1 and 15 in the present application, then claims that are written in dependant form or otherwise include all the limitations of the allowed generic claim should be considered. M.P.E.P. § 809.02(c). Therefore, Applicants respectfully request that the Examiner consider rejoining the method claim upon a finding of allowability of the apparatus claims.

If the Examiner feels that prosecution of the present invention can be advanced by a telephone interview, then the undersigned would welcome a call at the phone number below. Thank you.

The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No. 061910. A duplicate copy of this sheet is attached.

Respectfully submitted,

Dated: 6/14/04


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Please grant any extension of time necessary for entry and charge any fee due to Deposit Account No. 06-1910.